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3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 AQUARIAN FOUNDATION,

8 Plaintiff,

9 v.
10

11 BRUCE KIMBERLY LOWNDES, et al.,

12 Defendants.
13

Case No. C19-1879RSM

ORDER STRIKING MOTION AT DKT.
#88 AND DIRECTING SECOND JOINT
STATUS REPORT

14 This matter comes before the Court *sua sponte* and in response to the recent Joint Status
15 Report, Dkt. #176.

16 This case was originally filed on November 19, 2019. Dkt #1. On March 8, 2021, the
17 Court issued an Order resolving several motions, noted the large number of improper pro se
18 filings and procedural irregularities, and directed the parties to prepare a joint status report
19 addressing the status of discovery. Dkt. #170. Plaintiff soon thereafter obtained new counsel.
20 Dkts. ##171–73.
21

22 The joint status report was filed on April 7, 2021. Plaintiff said it “intends to withdraw”
23 its Motion for Order Permitting Subpoenas for Electronic Discovery, Dkt. #88. Dkt. #176 at 1.
24 Plaintiff has not taken any further action, such as filing a notice to withdraw under Local Civil
25 Rule 7(l). Originally filed in June of 2020, this Motion has been mooted by subsequent
26 developments and Court rulings. The Court will strike it as moot.
27
28

ORDER STRIKING MOTION AT DKT. #88 AND DIRECTING SECOND JOINT STATUS
REPORT - 1

1 Plaintiff also informed the Court that, although it served Rule 26 initial disclosures a
2 year ago, Defendant Lowndes has not served any initial disclosures and that “[n]o written
3 discovery has been served by any party and no party has taken any depositions.” *Id.* at 2.

4 Plaintiff stated it would file a motion seeking leave to file a Second Amended Complaint
5 but has not done so. *See id.* at 3. Plaintiff apologized to the Court for “the current
6 unavailability of local counsel” and indicated that only pro hac vice counsel had signed or
7 otherwise approved the report. *Id.* at 3.

9 Defendants said they would file a motion to dismiss for lack of jurisdiction “within the
10 next 10 days.” *Id.* That motion has not been filed. It is unclear if Defendants have abandoned
11 that plan and are now proceeding with discovery.

13 The Court is troubled by Plaintiff’s response to the Court’s Order at Dkt. #170. Given
14 the many apparent factual issues in this case, including the authenticity of certain documents
15 filed on the record by Defendant Lowndes, the lack of any discovery by Plaintiff reflects a
16 failure to prosecute this case. Both parties have failed to proceed with their proposed filings.

18 Accordingly, the Court hereby finds and ORDERS that Plaintiff’s Motion for Order
19 Permitting Subpoenas for Electronic Discovery, Dkt. #88, is STRICKEN as moot. The Court
20 DIRECTS the parties to file a second joint status report updating the Court on discovery and the
21 above motions that were to be filed by the parties. This report is due no later than fourteen (14)
22 days from the date of this Order.

24 DATED this 11th day of May, 2021.

26 

27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE